

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENTS ON BEHALF OF STUDENT,

v.

HUNTINGTON BEACH CITY SCHOOL
DISTRICT,

OAH Case No. 2016021004

HUNTINGTON BEACH CITY SCHOOL
DISTRICT,

v.

PARENTS ON BEHALF OF STUDENT.

OAH Case No. 2015120548

ORDER GRANTING MOTION TO
AMEND COMPLAINT FOR DUE
PROCESS

On December 12, 2015, Huntington Beach City School District filed a Request for Due Process Hearing in Office of Administrative Hearing case number 2015120548 (District's Case), naming Parents on behalf of Student. On January 19, 2016, OAH granted District's request to amend its complaint.

On February 23, 2016, Student filed a Request for Due Process Hearing in OAH case number 2016021004 (Student's Case), naming District.

On February 26, 2016, OAH granted the parties' joint request to consolidate Student's Case with District's Case, and to continue the hearing dates for the consolidated matter. Student's Case was designated the primary case.

On April 18, 2016, Student filed a Motion to Amend the Due Process Hearing Request. No opposition was received from District.

APPLICABLE LAW AND DISCUSSION

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such

permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

Student's motion to amend was submitted more than five days before the hearing, is therefore timely, and is granted. The amended complaint shall be deemed filed on the date of this order. All applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.

IT IS SO ORDERED.

DATE: April 25, 2016

/s/

PAUL H. KAMOROFF
Administrative Law Judge
Office of Administrative Hearings